



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

231 Capitol Avenue
Hartford, Connecticut 06106
(860) 757-2270 Fax (860) 757-2215

**Testimony of Deborah J. Fuller
Judiciary Committee
March 26, 2009**

Senate Bill 1158, An Act Concerning Foreclosure Procedures

Thank you for the opportunity to testify, on behalf of the Judicial Branch, in support of **Senate Bill 1158, An Act Concerning Foreclosure Procedures**. This bill was submitted by the Branch as part of our legislative package.

This proposal is intended to address two issues that have arisen in foreclosure proceedings. The first is directly related to the foreclosure mediation program that was established by P.A. 08-176, a program that has proved to be quite successful. It would make a technical change to the language regarding placement of the notice of the availability of the foreclosure mediation program, to ensure that it is placed on the front of the packet of papers served on homeowners when a foreclosure action is commenced. This is particularly important because many foreclosures proceed without the homeowner ever filing an appearance. It is important to get their attention and let them know that help is available. This was the intent of those involved in crafting the program last session, and we urge the Committee to approve this change.

The second issue addressed in the bill is the situation where the parties to a foreclosure action are still talking and attempting to reach an agreement when the law days are about to occur or have just occurred. Currently, the statute prohibits the judgment from being opened under this circumstance; this language would change that. It is important to note that under the proposed language all appearing parties would have to agree that the judgment should be opened, and that upon opening all

defendants, including inferior lienors, would be restored to the position they were in prior to judgment.

I thank you again for the opportunity to testify and urge the Committee to act favorably on this proposal.